

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

JUN 18 2019

UNITED STATES OF AMERICA,

v.

JOSHUA JESSIE WHITE,
KATHERINE ANN WAYBRIGHT,
TROY LEE WAYBRIGHT,
JANICE MAY WHITE, and
MATTHEW LOGAN LIPSCOMB,

Defendants.

U.S. DISTRICT COURT
ELKINS WV 26241

Criminal No. 2:19 CR 13

Violations: 18 U.S.C. § 922(g)(1)
18 U.S.C. § 922(g)(3)
18 U.S.C. § 922(g)(9)
18 U.S.C. § 924(a)(2)
18 U.S.C. § 924(c)(1)(A)
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(B)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 846

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Distribute Methamphetamine)

From on or about April 3, 2018, and continuing to on or about April 25, 2019, in Randolph County, in the Northern District of West Virginia, and elsewhere, defendants **JOSHUA JESSIE WHITE, KATHERINE ANN WAYBRIGHT, TROY LEE WAYBRIGHT, JANICE MAY WHITE, MATTHEW LOGAN LIPSCOMB**, and others, did unlawfully, knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding to violate Title 21, United States Code, Section 841(a)(1). It was a purpose and object of the conspiracy to possess with intent to distribute, and to distribute, more than five (5) grams of methamphetamine, also known as "crystal meth" and "ice", a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(B).

COUNT TWO

(Unlawful Possession of a Firearm)

On or about April 3, 2018, in Tucker County, in the Northern District of West Virginia, defendant **JOSHUA JESSIE WHITE** possessed a firearm, that is a Smith & Wesson, model Bodyguard, .38 caliber revolver, serial number CPK1089; a Taurus, model 85 Protector, .38 caliber revolver, serial number KN69905; a Glock, model 17, 9mm pistol, serial number HPF074; a Ruger, model LCP, .380 caliber pistol, serial number 371357462; and a Taurus, model PT709 Slim, 9mm pistol, serial number TJS37762, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, that is Voluntary Manslaughter, in the Circuit Court of Randolph County, West Virginia, in case number 00-F-27 on March 6, 2000, and Conspiracy, in the Circuit Court of Randolph County, West Virginia, in case number 07-F-85 on March 17, 2008, and did so knowingly, said firearm having moved in and affecting interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT THREE

(Unlawful Possession of a Firearm)

On or about August 17, 2018, in Randolph County, in the Northern District of West Virginia, defendant **TROY LEE WAYBRIGHT** possessed a firearm, that is an Ithaca Gun Company LLC, model 49, .22 caliber rifle, serial number 286398; and a Savage Arms, Inc., model Mark II, .22 LR caliber rifle, serial number 0959729, having been convicted in a court of a misdemeanor crime of domestic violence, that is Domestic Violence - Battery, in the Magistrate Court of Tucker County, West Virginia, in case number 13-M47M-00581 on December 19, 2013, and did so knowingly, said firearm having moved in and affecting interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(9) and 924(a)(2).

COUNT FOUR

(Distribution of Methamphetamine)

On or about September 13, 2018, in Randolph County, in the Northern District of West Virginia, defendant **KATHERINE ANN WAYBRIGHT** did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in exchange for \$100.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIVE

(Possession with Intent to Distribute Methamphetamine)

On or about October 27, 2018, in Randolph County, in the Northern District of West Virginia, defendant **JOSHUA JESSIE WHITE** did unlawfully, knowingly, intentionally, and without authority, possess with intent to distribute more than five (5) grams of methamphetamine, also known as "crystal meth" and "ice," a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT SIX

(Unlawful Possession of a Firearm)

On or about October 27, 2018, in Randolph County, in the Northern District of West Virginia, defendant **JOSHUA JESSIE WHITE**, possessed a firearm, that is a High Standard, model Hombre, .22 caliber revolver, serial number 2206420, and a Derringer, unknown model, .22 caliber pistol, serial number Z10338, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, that is Voluntary Manslaughter, in the Circuit Court of Randolph County, West Virginia, in case number 00-F-27 on March 6, 2000, and Conspiracy, in the Circuit Court of Randolph County, West Virginia, in case number 07-F-85 on March 17, 2008, and did so knowingly, said firearm having moved in and affecting interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT SEVEN

(Possession of a Firearm in Furtherance of a Drug Crime)

On or about October 27, 2018, in Randolph County, in the Northern District of West Virginia, defendant **JOSHUA JESSIE WHITE** did knowingly possess in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is the offense charged in Count One and the offense charged in Count Five, a firearm, that is a High Standard, model Hombre, .22 caliber revolver, serial number 2206420; and a Derringer, unknown model, .22 caliber pistol, serial number Z10338; in violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT EIGHT

(Possession with Intent to Distribute Methamphetamine - Aiding and Abetting)

On or about March 25, 2019, in Randolph County, in the Northern District of West Virginia, defendants **KATHERINE ANN WAYBRIGHT** and **TROY LEE WAYBRIGHT**, aided and abetted by each other, did unlawfully, knowingly, intentionally, and without authority, possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT NINE

(Unlawful Possession of a Firearm)

On or about March 25, 2019, in Randolph County, in the Northern District of West Virginia, defendant **TROY LEE WAYBRIGHT**, possessed a firearm, that is a Savage Arms, Inc., model 120, .22 caliber rifle, serial number P550977; and a Hi-Point, model C9, 9mm pistol, serial number P1955549, having been convicted in a court of a misdemeanor crime of domestic violence, that is Domestic Violence - Battery, in the Magistrate Court of Tucker County, West Virginia, in case number 13-M47M-00581 on December 19, 2013, and did so knowingly, said firearm having moved in and affecting interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(9), and 924(a)(2).

COUNT TEN

(Unlawful Possession of a Firearm)

On or about March 25, 2019, in Randolph County, in the Northern District of West Virginia, defendant **KATHERINE ANN WAYBRIGHT**, possessed a firearm, that is a Hi-Point, model C9, 9mm pistol, serial number P1955549, who was then an unlawful user of and addicted to a controlled substance, that is methamphetamine, a Schedule II controlled substance, and did so knowingly, said firearm having moved in and affecting interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT ELEVEN

(Distribution of Methamphetamine - Aiding and Abetting)

On or about April 19, 2019, in Randolph County, in the Northern District of West Virginia, defendants **JANICE MAY WHITE** and **MATTHEW LOGAN LIPSCOMB** did unlawfully, knowingly, intentionally, and without authority, distribute more than five (5) grams of methamphetamine, also known as "crystal meth" and "ice," a Schedule II controlled substance, in exchange for \$350.00 in United States currency; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWELVE

(Distribution of Methamphetamine)

On or about April 25, 2019, in Randolph County, in the Northern District of West Virginia, defendant **MATTHEW LOGAN LIPSCOMB** did unlawfully, knowingly, intentionally, and without authority distribute more than five (5) grams of methamphetamine, also known as "crystal meth" and "ice," a Schedule II controlled substance, in exchange for \$650.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

FORFEITURE ALLEGATION

*Controlled Substance Act
Gun Control Act*

1. Pursuant to Title 21, United States Code, Sections 841(a) and 853, the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense, including:

1. a Smith & Wesson, model Bodyguard, .38 caliber revolver, serial number CPK1089;
2. a Taurus, model 85 Protector, .38 caliber revolver, serial number KN69905;
3. a Glock, model 17, 9mm pistol, serial number HPF074;
4. a Ruger, model LCP, .380 caliber pistol, serial number 371357462;
5. a Taurus, model PT709 Slim, 9mm pistol, serial number TJS37762;
6. an Ithaca Gun Company LLC lever-action, single-shot rifle, model 49 Saddlegun, .22 caliber, serial number 286398;
7. one (1) black .22 caliber magazine;
8. ten (10) rounds of .22 caliber Remington ammunition;
9. one hundred two (102) rounds of assorted caliber ammunition;
10. a Savage Arms, Inc. bolt-action rifle, model Mark II, .22 LR caliber, serial number 0959729;
and
11. \$1,096.00 in United States currency seized on 04/03/18 in Tucker County.

2. Pursuant to Title 18, United States Code, Sections 922(g), 924(c), and 924(d), and Title 28, United States Code, Section 2461(c), the government will seek the forfeiture of any firearm and any ammunition involved in the knowing commission of such offense, including:

1. a Smith & Wesson, model Bodyguard, .38 caliber revolver, serial number CPK1089;
2. a Taurus, model 85 Protector, .38 caliber revolver, serial number KN69905;
3. a Glock, model 17, 9mm pistol, serial number HPF074;
4. a Ruger, model LCP, .380 caliber pistol, serial number 371357462;
5. a Taurus, model PT709 Slim, 9mm pistol, serial number TJS37762;
6. an Ithaca Gun Company LLC lever-action, single-shot rifle, model 49 Saddlegun, .22 caliber, serial number 286398;
7. one (1) black .22 caliber magazine;
8. ten (10) rounds of .22 caliber Remington ammunition;
9. one hundred two (102) rounds of assorted caliber ammunition; and
10. a Savage Arms, Inc. bolt-action rifle, model Mark II, .22 LR caliber, serial number 0959729.

A true bill,

/s/ _____
Foreperson

/s/ _____
WILLIAM J. POWELL
United States Attorney

Stephen Warner
Assistant United States Attorney